

SB0045



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

SB0045

Introduced 1/16/2013, by Sen. Heather A. Steans

SYNOPSIS AS INTRODUCED:

210 ILCS 45/3-202.05

Amends the Nursing Home Care Act. Provides that the Department of Public Health shall promulgate rules specific to the staffing requirements for facilities that are federally defined as Institutions for Mental Disease and for facilities that are licensed under the Specialized Mental Health Rehabilitation Act (instead of within 120 days of the effective date of Public Act 97-689, the Department of Public Health shall promulgate such rules). Effective immediately.

LRB098 02921 RPM 32933 b

A BILL FOR

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Nursing Home Care Act is amended by changing
5 Section 3-202.05 as follows:

6 (210 ILCS 45/3-202.05)

7 Sec. 3-202.05. Staffing ratios effective July 1, 2010 and
8 thereafter.

9 (a) For the purpose of computing staff to resident ratios,
10 direct care staff shall include:

- 11 (1) registered nurses;
- 12 (2) licensed practical nurses;
- 13 (3) certified nurse assistants;
- 14 (4) psychiatric services rehabilitation aides;
- 15 (5) rehabilitation and therapy aides;
- 16 (6) psychiatric services rehabilitation coordinators;
- 17 (7) assistant directors of nursing;
- 18 (8) 50% of the Director of Nurses' time; and
- 19 (9) 30% of the Social Services Directors' time.

20 The Department shall, by rule, allow certain facilities
21 subject to 77 Ill. Admin. Code 300.4000 and following (Subpart
22 S) to utilize specialized clinical staff, as defined in rules,
23 to count towards the staffing ratios.

1 ~~The~~ ~~Within 120 days of the effective date of this~~
2 ~~amendatory Act of the 97th General Assembly,~~ the Department
3 shall promulgate rules specific to the staffing requirements
4 for facilities federally defined as Institutions for Mental
5 Disease. These rules shall recognize the unique nature of
6 individuals with chronic mental health conditions, shall
7 include minimum requirements for specialized clinical staff,
8 including clinical social workers, psychiatrists,
9 psychologists, and direct care staff set forth in paragraphs
10 (4) through (6) and any other specialized staff which may be
11 utilized and deemed necessary to count toward staffing ratios.

12 ~~The~~ ~~Within 120 days of the effective date of this~~
13 ~~amendatory Act of the 97th General Assembly,~~ the Department
14 shall promulgate rules specific to the staffing requirements
15 for facilities licensed under the Specialized Mental Health
16 Rehabilitation Act. These rules shall recognize the unique
17 nature of individuals with chronic mental health conditions,
18 shall include minimum requirements for specialized clinical
19 staff, including clinical social workers, psychiatrists,
20 psychologists, and direct care staff set forth in paragraphs
21 (4) through (6) and any other specialized staff which may be
22 utilized and deemed necessary to count toward staffing ratios.

23 (b) Beginning January 1, 2011, and thereafter, light
24 intermediate care shall be staffed at the same staffing ratio
25 as intermediate care.

26 (c) Facilities shall notify the Department within 60 days

1 after the effective date of this amendatory Act of the 96th
2 General Assembly, in a form and manner prescribed by the
3 Department, of the staffing ratios in effect on the effective
4 date of this amendatory Act of the 96th General Assembly for
5 both intermediate and skilled care and the number of residents
6 receiving each level of care.

7 (d) (1) Effective July 1, 2010, for each resident needing
8 skilled care, a minimum staffing ratio of 2.5 hours of nursing
9 and personal care each day must be provided; for each resident
10 needing intermediate care, 1.7 hours of nursing and personal
11 care each day must be provided.

12 (2) Effective January 1, 2011, the minimum staffing ratios
13 shall be increased to 2.7 hours of nursing and personal care
14 each day for a resident needing skilled care and 1.9 hours of
15 nursing and personal care each day for a resident needing
16 intermediate care.

17 (3) Effective January 1, 2012, the minimum staffing ratios
18 shall be increased to 3.0 hours of nursing and personal care
19 each day for a resident needing skilled care and 2.1 hours of
20 nursing and personal care each day for a resident needing
21 intermediate care.

22 (4) Effective January 1, 2013, the minimum staffing ratios
23 shall be increased to 3.4 hours of nursing and personal care
24 each day for a resident needing skilled care and 2.3 hours of
25 nursing and personal care each day for a resident needing
26 intermediate care.

1 (5) Effective January 1, 2014, the minimum staffing ratios
2 shall be increased to 3.8 hours of nursing and personal care
3 each day for a resident needing skilled care and 2.5 hours of
4 nursing and personal care each day for a resident needing
5 intermediate care.

6 (e) Ninety days after the effective date of this amendatory
7 Act of the 97th General Assembly, a minimum of 25% of nursing
8 and personal care time shall be provided by licensed nurses,
9 with at least 10% of nursing and personal care time provided by
10 registered nurses. These minimum requirements shall remain in
11 effect until an acuity based registered nurse requirement is
12 promulgated by rule concurrent with the adoption of the
13 Resource Utilization Group classification-based payment
14 methodology, as provided in Section 5-5.2 of the Illinois
15 Public Aid Code. Registered nurses and licensed practical
16 nurses employed by a facility in excess of these requirements
17 may be used to satisfy the remaining 75% of the nursing and
18 personal care time requirements. Notwithstanding this
19 subsection, no staffing requirement in statute in effect on the
20 effective date of this amendatory Act of the 97th General
21 Assembly shall be reduced on account of this subsection.

22 (Source: P.A. 96-1372, eff. 7-29-10; 96-1504, eff. 1-27-11;
23 97-689, eff. 6-14-12.)

24 Section 99. Effective date. This Act takes effect upon
25 becoming law.